



**Minutes of the
EMERGENCY MEDICAL SERVICES BOARD
Wednesday December 12th, 2018**

The meeting of the Emergency Medical Services Board opened at 9:04 am CST in the Iris Room at 665 Mainstream Drive, Nashville, Tennessee.

CALL TO ORDER/ROLL CALL

The Chairperson conducted a roll call with the following results.						
Board Member's Name	Present	Absent		Board Member's Name	Present	Absent
Chrm. Dr. Sullivan Smith	X			Twila Rose	X	
William Beaman	X			James Ross RN		X
Dr. Chris Brooks	X			Dennis Rowe	X	
Kappu Deshpande	X			Tim Strange	X	
Thomas Dunavant	X			Tyler White	X	
Greg Patterson	X			Jeanne Yeatman RN	X	
Brian Robinson	X			11 Present; 1 Absent; A quorum was declared		

Also present:

Donna G. Tidwell Director Office of Emergency Medical Services
Hansel Cook Assistant EMS Director
Joe Holley MD State Medical Director
Kyonzte Hughes-Toombs Legal Counsel
Paul Richards Legal Counsel
John Dabbs Region 1 EMS Consultant
Steve Hamby Region 2 EMS Consultant
Nita Jernigan Region 3 EMS Consultant
Brian Tompkins Region 4 EMS Consultant
Dwight Davis Region 5 EMS Consultant
LeeAnne Boeringer Region 6 EMS Consultant
Teddy Myracle Region 7 EMS Consultant
Kevin Cagle Region 8 EMS Consultant
Randall Kirby EMS Consultant at Large
Tory Ferguson Regulatory Board Administrative Assistant 3

APPROVAL OF THE September 19th, 2018 MINUTES – Motion by Dr. Brooks to accept the minutes as presented and seconded by Mr. Strange.
Motion passed on voice vote.

Recognition

Director Tidwell recognized those members of the Tennessee Ambulance Strike Teams who responded to areas impacted by Hurricane Florence. The members were recognized and asked to come forward to receive a Certificate of Recognition presented by Chairman Smith.

Director Tidwell addressed the meeting about the events of November 30th, 2018, in which Paramedic Zach Pruitt and the patient he was in charge of were involved in an ambulance wreck in which they perished. Director Tidwell asked for a moment of silence to honor these individuals and their families in their time of grief. A Certificate of Recognition was presented recognizing the contributions Paramedic Pruitt had made.

OGC Report

Paul Richardson came forward to represent the report. Mr. Richardson reminded the Board of the Conflict of Interest policy. He also stated there were 28 open cases and of those there are two (2) contested cases, and one (1) consent order to be presented today. He continued with a report of pending rules; The Community Paramedicine Rules are ready to be read into the record today, the Air Ambulance Rules are in internal review and Specialty Care rules are awaiting a response from the AG Office.

TnPAP Report

Mark Harkredder came to the Board and presented report. The figures presented were from the First Quarter of the Fiscal Year (July 1st – September 30th): currently fifteen (15) are being monitored, ten (10) Paramedics, four (4) AEMT and one (1) EMT. There was no questions from the Board to Mr. Harkredder.

School Approvals

Director Tidwell presented two (2) schools for approval:

- 1) Ambulance Service of Bristol- Director Tidwell gave a report of the site visit and recommended approval for EMT and AEMT training, Mr. Rowe made a motion to approve and a second was received from Ms. Deshpande – motion carried on a voice vote; and
- 2) Volunteer State Community College – Director Tidwell gave a report of this site visit and recommended approval for Critical Care Paramedic Training. Ms. Deshpande made a motion to approve and Mr. Rowe seconded the motion – motion carried on a voice vote.

Community Paramedicine Rules

Mr. Richardson at this time read into the record Rule 1200-12-07 which included: 1200-12-07-.01 Purpose; 1200-12-07-.02 Scope of Practice; 1200-12-07-.03 Definitions; 1200-12-07-.04 Community Paramedic Applicant Requirements; 1200-12-07-.05 Continued Endorsement, Retirement, Reinstatement, and Regulations; 1200-12-07-.06 Community Paramedic Training Programs –Requirements for Approval; 1200-12-07-.07 Community Paramedic Training Programs – Types of Approval, Renewal; and, 1200-12-07-.08 Mobile Integrated Healthcare Program - Approval.

A motion to approve came from Mr. Strange and seconded by Ms. Deshpande. A roll call vote was conducted with the following results:

Roll Call Vote Results										
Name	Aye	Nay	Abstain	Absent		Name	Aye	Nay	Abstain	Absent
Chrm Dr. Sullivan Smith	X					Twila Rose	X			
William Beaman	X					James Ross RN				X
Dr. Chris Brooks	X					Dennis Rowe	X			
Kappu Deshpande	X					Tim Strange	X			
Thomas Dunavant	X					Tyler White	X			
Greg Patterson	X					Jeanne Yeatman RN	X			
Brian Robinson	X									

Motion carried.

Upon the recommendation of Director Tidwell, a motion and a second was received to adopt the International Board of Specialty Certification Community Paramedic Examination as the licensure examination for Community Paramedics. Motion passed on a voice vote.

OGC Cases

Consent Order (Case # 2018009341)

Mr. Richardson present a Consent Order in which Austin Chaz Hafley, AEMT License #210025 was the Respondent. This Order originated from Case Number 2018009341. After the presentation Dr. White made a motion to accept the Consent Order as presented and this was seconded by Mr. Patterson.

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Recused	Absent	Name	Aye	Nay	Recused	Absent
Chrm Dr. Sullivan Smith	X				Twila Rose	X			
William Beaman	X				James Ross RN				X
Dr. Chris Brooks	X				Dennis Rowe	X			
Kappu Deshpande	X				Tim Strange	X			
Thomas Dunavant	X				Tyler White	X			
Greg Patterson	X				Jeanne Yeatman RN	X			
Brian Robinson	X								

Motion carried.

The Chairman called for a short break as to allow for set up to conduct the Contested Cases.

Contested Case (Docket Number 17.34-146757A)

Kim Summers was the Administrative Law Judge for this case. Kyonzte Hughes-Toombs presented the case for the Office of EMS and the Respondent did not have any representation. This case involved Mr. Gary D. McCarter Paramedic License Number 9263. Mr. Patterson recused himself from the proceedings.

Ms. Hughes-Toombs gave an opening statement and presented the Allegations of Fact through investigative reports, evidence and testimony. She also outlined the Alleged Violations. Mr. McCarter testified in the matter in his own behalf.

A motion to suspense the rules as so to obtain information outside the Board was received and seconded. The motion passed on voice vote.

A motion to resume deliberations was received and seconded. The motion passed on voice vote.

Motion by Mr. Strange and seconded by Ms. Yeatman to accept the Allegation of Facts with correction of the expiration date to 2019.

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Recused	Absent	Name	Aye	Nay	Recused	Absent
Chrm Dr. Sullivan Smith	X				Twila Rose	X			
William Beaman	X				James Ross RN				X
Dr. Chris Brooks	X				Dennis Rowe	X			
Kappu Deshpande	X				Tim Strange	X			
Thomas Dunavant	X				Tyler White	X			
Greg Patterson			X		Jeanne Yeatman RN	X			
Brian Robinson	X								

Motion carried.

Motion by Mr. Strange to accept the Alleged Violations as written and seconded by Ms. Deshpande.

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Recused	Absent	Name	Aye	Nay	Recused	Absent
Chrm Dr. Sullivan Smith	X				Twila Rose	X			
William Beaman	X				James Ross RN				X
Dr. Chris Brooks	X				Dennis Rowe	X			
Kappu Deshpande	X				Tim Strange	X			
Thomas Dunavant	X				Tyler White	X			
Greg Patterson			X		Jeanne Yeatman RN	X			
Brian Robinson	X								

Motion Carried.

Motion by Mr. Rowe to revoke license as the Discipline or Action and it was seconded by Mr. Strange.

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Recused	Absent	Name	Aye	Nay	Recused	Absent
Chrm. Dr. Sullivan Smith	X				Twila Rose		X		
William Beaman	X				James Ross RN				X
Dr. Chris Brooks		X			Dennis Rowe	X			
Kappu Deshpande		X			Tim Strange	X			
Thomas Dunavant		X			Tyler White	X			
Greg Patterson			X		Jeanne Yeatman RN		X		
Brian Robinson		X							

Motion Failed.

Motion by Dr. Brooks to put license on immediate probation for two (2) years, Mr. McCarter is to attend three (3) hours of ethics training approved by the Director of EMS, is to instruct three (3) hours on ethics approved by the Director of EMS, he must also submit proof of attending/teaching the ethics class, and inform current employer of this results of this hearing. Ms. Deshpande seconded the motion.

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Recused	Absent	Name	Aye	Nay	Recused	Absent
Chrm Dr. Sullivan Smith		X			Twila Rose		X		
William Beaman		X			James Ross RN				X
Dr. Chris Brooks	X				Dennis Rowe		X		
Kappu Deshpande		X			Tim Strange		X		
Thomas Dunavant		X			Tyler White		X		
Greg Patterson			X		Jeanne Yeatman RN		X		
Brian Robinson		X							

Motion Failed.

Motion by Mr. Dunavant and seconded by Ms. Rose to place McCarter’s license on suspension for one (1) year, followed by probation for two (2) years, Mr. McCarter is to attend three (3) hours of ethics training approved by the Director of EMS, is to instruct three (3) hours on ethics approved by the Director of EMS, he must also submit proof of attending/teaching the ethics class, and inform current employer of this results of this hearing.

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Recused	Absent	Name	Aye	Nay	Recused	Absent
Chrm Dr. Sullivan Smith		X			Twila Rose	X			
William Beaman	X				James Ross RN				X
Dr. Chris Brooks		X			Dennis Rowe		X		
Kappu Deshpande		X			Tim Strange		X		
Thomas Dunavant	X				Tyler White		X		
Greg Patterson			X		Jeanne Yeatman RN		X		
Brian Robinson		X							

Motion Failed.

Motion by Mr. Beaman and seconded by Dr. Brooks to place Mr. McCarter’s license on suspension for six (6) months, followed probation for two (2) years, Mr. McCarter is to attend three (3) hours of ethics training approved by the Director of EMS (within 6 months), is to instruct three (3) hours on ethics approved by the Director of EMS (within 6 months), he must also submit proof of attending/teaching the ethics class, and inform current employer of this results of this hearing.

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Recused	Absent	Name	Aye	Nay	Recused	Absent
Chrm Dr. Sullivan Smith	X				Twila Rose		X		
William Beaman	X				James Ross RN				X
Dr. Chris Brooks	X				Dennis Rowe		X		
Kappu Deshpande	X				Tim Strange		X		
Thomas Dunavant	X				Tyler White	X			
Greg Patterson			X		Jeanne Yeatman RN	X			
Brian Robinson	X								

Motion Carried.

Motion by Mr. Beamon and seconded by Dr. Brooks to adopt the following as the Policy Statement: “To follow in lines with other Board members that had their concerns about the honesty, openness, trustworthiness, consistency from the Respondent to former and present employers, that the duties the Board has to protect the public now and in the future, levy a consistent action against the Respondent to ensure that the duties of this Board are maintained and that in future actions that the Board does have a place with the migrating circumstances to begin discussions and, if necessary, any disciplinary action.”

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Recused	Absent	Name	Aye	Nay	Recused	Absent
Chrm Dr. Sullivan Smith	X				Twila Rose	X			
William Beaman	X				James Ross RN				X
Dr. Chris Brooks	X				Dennis Rowe		X		
Kappu Deshpande	X				Tim Strange		X		
Thomas Dunavant	X				Tyler White	X			
Greg Patterson			X		Jeanne Yeatman RN	X			
Brian Robinson	X								

Motion Carried.

This case is adjourned and Mr. Patterson rejoined the proceedings. At this time the meeting went into recess for lunch.

The proceedings resumed after lunch break.

Contested Case (Docket Number 17.34-142286A)

Kim Summers was the Administrative Law Judge for this case. Kyonzte Hughes-Toombs presented the case for the Office of EMS and the Respondent did not have any representation. This case involved Mr. Robby K. Lawson EMT License Number 37142. Mr. Rowe recused himself from the proceedings.

Mr. Lawson was not present nor did he have any representation present. Mr. Strange made a motion to hear the case in default. A second was received from Ms. Yeatman and the motion passed on voice vote.

Ms. Hughes-Toombs gave an opening statement and presented the Findings of Fact through investigative reports, testimony and evidence. She also outlined the Alleged Violations. Mr. McCarter testified in the matter in his own behalf.

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Recused	Absent	Name	Aye	Nay	Recused	Absent
Chrm Dr. Sullivan Smith	X				Twila Rose	X			
William Beaman	X				James Ross RN				X
Dr. Chris Brooks	X				Dennis Rowe			X	
Kappu Deshpande	X				Tim Strange	X			
Thomas Dunavant	X				Tyler White	X			
Greg Patterson	X				Jeanne Yeatman RN	X			
Brian Robinson	X								

Motion Carried.

Motion by Ms. Yeatman and seconded by Mr. Strange to accept the Conclusion of Law as presented.

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Recused	Absent	Name	Aye	Nay	Recused	Absent
Chrm Dr. Sullivan Smith	X				Twila Rose	X			
William Beaman	X				James Ross RN				X
Dr. Chris Brooks	X				Dennis Rowe			X	
Kappu Deshpande	X				Tim Strange	X			
Thomas Dunavant	X				Tyler White	X			
Greg Patterson	X				Jeanne Yeatman RN	X			
Brian Robinson	X								

Motion Carried.

Motion by Dr. Brooks and seconded by Ms. Deshpande to immediately suspend Mr. Lawson's license for two (2) years and he has to appear before this Board before the suspension is lifted.

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Recused	Absent	Name	Aye	Nay	Recused	Absent
Chrm Dr. Sullivan Smith	X				Twila Rose	X			
William Beaman		X			James Ross RN				X
Dr. Chris Brooks	X				Dennis Rowe			X	
Kappu Deshpande	X				Tim Strange	X			

Thomas Dunavant		X			Tyler White	X			
Greg Patterson	X				Jeanne Yeatman RN	X			
Brian Robinson	X								

Motion Carried.

A motion was made by Mr. Strange to accept the Policy Statement as written and it was seconded by Mr. Robinson.

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Recused	Absent	Name	Aye	Nay	Recused	Absent
Chrm Dr. Sullivan Smith	X				Twila Rose	X			
William Beaman	X				James Ross RN				X
Dr. Chris Brooks	X				Dennis Rowe			X	
Kappu Deshpande	X				Tim Strange	X			
Thomas Dunavant	X				Tyler White	X			
Greg Patterson	X				Jeanne Yeatman RN	X			
Brian Robinson	X								

Motion Carried.

This case was adjourned and thus closed the OGC Case proceedings.

COMMITTEE REPORTS

A. Air Ambulance Committee

- Robbie Tester gave the report.
- Rule changes are in the Office of General Consul
- The Committee supports the Trauma Task Force Recommendations

At this point 1:21 pm CST, Board member Mr. Ross was able to join the meeting.

B. Ambulance Committee

- Director Tidwell stated there was nothing to report.

C. Clinical Issues Committee Report

- There is no report available.

D. COPEC Report

- A report was received from Ms. Rhonda Philippi.

E. Continuing Education Committee

- Mr. Kirk Harris gave the report.
- Motion was made by Mr. Strange and seconded by Mr. Rowe to accept the recommendation of 50% of the renewal continuing education contact hours can be from on-line sources and continuing the “Good Cause” policy. The motion was withdrawal after discussion since this policy is effect presently.

F. Initial Education Committee

- Mr. Tim Strange gave the report.
- The progress of the Military AEMT Bridge Class was discussed and the forming of a subcommittee to draft Rules for the EMT to Paramedic class.

G. Director’s Report

- Director Tidwell gave the Report.
- She reported on the Third and Fourth Quarter pass rates, NEMSIS Scope of Practice and the Data Collection system.

H. Medical Director’s Report

- Dr. Joe Holley advised he did not have anything to report.

OLD BUSINESS

The Trauma Care Advisory Committee (TCAC), the Joint Trauma Task Force and their representative address the Board about their concerns about the Destination Guidelines that were adopted in June 2019 Rule Making Hearing. A lengthy discussion ensued about their concerns and course to be taken.

Motion by Mr. White to allow the Rule to stand as it is and let it proceed on through. Then have the TCAC to study the Rule and propose changes for Rule Making. This was seconded by Mr. Ross.

A roll call vote was conducted with the following results:

Roll Call Vote Results										
Name	Aye	Nay	Abstain	Absent		Name	Aye	Nay	Abstain	Absent
Chrm Dr. Sullivan Smith		X				Twila Rose		X		
William Beaman		X				James Ross RN			X	
Dr. Chris Brooks		X				Dennis Rowe		X		
Kappu Deshpande		X				Tim Strange		X		
Thomas Dunavant		X				Tyler White	X			
Greg Patterson		X				Jeanne Yeatman RN		X		
Brian Robinson		X								

Motion Failed.

Motion by Mr. Strange and seconded by Ms. Deshpande to remove those Destination Guidelines Rule from the Rules packet sent to the Attorney General Office.

A roll call vote was conducted with the following results:

Roll Call Vote Results										
Name	Aye	Nay	Abstain	Absent		Name	Aye	Nay	Abstain	Absent
Chrm Dr. Sullivan Smith	X					Twila Rose	X			
William Beaman	X					James Ross RN	X			
Dr. Chris Brooks	X					Dennis Rowe	X			

Kappu Deshpande	X				Tim Strange	X			
Thomas Dunavant	X				Tyler White		X		
Greg Patterson	X				Jeanne Yeatman RN	X			
Brian Robinson	X								

Motion Carried.

Motion by Mr. White and seconded by Mr. Rowe to form a Task Force to develop appropriate Destination Guidelines for the State of Tennessee. This Task Force would consist of the State EMS Director; a Broad Member; and a representative from Clinical Issues Committee, a Level 1 Trauma Center, Level 2 Trauma Center, Level 3 Trauma Center, and CRPC (seven member task force).

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Abstain	Absent	Name	Aye	Nay	Abstain	Absent
Chrm Dr. Sullivan Smith	X				Twila Rose	X			
William Beaman	X				James Ross RN	X			
Dr. Chris Brooks	X				Dennis Rowe	X			
Kappu Deshpande	X				Tim Strange	X			
Thomas Dunavant	X				Tyler White	X			
Greg Patterson	X				Jeanne Yeatman RN	X			
Brian Robinson	X								

Motion Carried.

The Chairman advised the Board that it was time to elect the Chairman of the Board. A motion was received from Mr. White and seconded by Mr. Ross to elect Dr. Sullivan Smith. Motion carried on voice vote.

Director Tidwell asked the Board to consider Jeff Davis to be appointed to Case Review as the Board Consultant to replace Jimmie Edwards who has asked to withdraw due work obligations. Motion from Mr. Strange and seconded by Ms. Deshpande to comply with this request.

A roll call vote was conducted with the following results:

Roll Call Vote Results									
Name	Aye	Nay	Abstain	Absent	Name	Aye	Nay	Abstain	Absent
Chrm Dr. Sullivan Smith	X				Twila Rose	X			
William Beaman	X				James Ross RN	X			
Dr. Chris Brooks	X				Dennis Rowe	X			
Kappu Deshpande	X				Tim Strange	X			
Thomas Dunavant	X				Tyler White	X			
Greg Patterson	X				Jeanne Yeatman RN	X			
Brian Robinson	X								

Motion Carried.

At this time Director Tidwell announced her retirement effective December 21st, 2019. Accolades followed from multiple Board members.

A motion was received to adjourn with multiple seconds. Motion carried on voice vote. The meeting was adjourned at 4:37 pm CST.

The next meeting of the Board is scheduled for March 27th and March 28th, 2019.